REMARKS/ARGUMENTS

In an Office Action mailed April 6, 2004 (the "Office Action"), the Examiner:

A. Rejected claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Elliott et al in view of Ranalli et al, Miller et al, and Brady;
B. Rejected claims 4 and 5 under 35 U.S.C. 112 for insufficient antecedent basis; and
C. Rejected claim 6 in the Office Action Summary, but gave no basis for the rejection in the Office Action.

In addition, the Notice of Draftperson's Patent Drawing Review (Form PTO-948, Rev. 06/03) objected to Figures 1, 26-29, 31A, 31B, 32A, 32B, and 33 because the margins were unacceptable. New Figures 1, 26-29, 31A, 31B, 32A, 32B, and 33 with proper margins are enclosed with this Response.

Applicant thanks the Examiner for her discussion of the following remarks in a telephone interview on July 19, 2004.

REMARKS

A. Rejection of claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Elliott et al in view of Ranalli et al, Miller et al, and Brady.

As a matter of convenience, the Applicant's remarks are presented in tabular form below. The table is presented with respect to independent claim 1.

Claim element	Examiner's citation and analysis of prior art	Applicant comment
1. A method comprising a private dialing plan for communication of packetized voice on a packet-based network involving a network	**Elliot**: (Abstract) a multimedia (packetized data (voice)) telecommunications system that transfers information across the Internet,	Okay.

gateway, wherein:	(Fig. 71, col. 250, line 26-60) gateway providing communication between customer processors, providing local dialing access/private dialing plans **Ranalli**: (Abstract, Fig. 1-3, 5, 6, col. 1, line 38-56, col. 2, line 22 thru col. 5, line 67) packet switched technology, communicating voice over the Internet **Miller**: (col. 7, line 33 thru col. 8, line 67) gateway **Brady**: (Abstract, Fig. 1, col. 2. line 20-67, col.4, line 56 thru col. 6, line 67) voice network (Internet telephony) with traditional telephony that includes packetized voice, voice on network (VON), gateways allowing packets to be passed to a public or private internet/intranet (off-network/on-network, remote/local) and associated IP address	
on-network access to the plan gateway is accomplished by using a multi-part access sequence consisting of a leading "0," followed by the caller's conventional telephone number or other telephone number registered with the plan, followed by a multiple digit user PIN number;	**Elliott**: Examiner acknowledges Elliott is silent re: multi-part access sequence, dialing "0" for local access, and telephone number registered with a plan for user IP address. (col. 190, line 34-67, col. 197, line 1 thru col. 198, line 67) dial-access using user pin **Miller**: (Abstract, col. 4,	Miller discloses "a system and method for increasing user capacity on a slotted random access channel in a spread spectrum communications system using a multi-part access probe." (col. 4, lines38-41) Miller, however, has nothing to do with dialing plans, the subject of the present invention. The "multi-part access probe" referred to in Miller has

	line 38 thru col. 7, line 33) increasing user capacity on a random access channel that includes using multi-part access	nothing to do with a "multi-part access sequence" (e.g., dialing 0 + conventional telephone number + PIN) in a dialing plan. **Missing Element #1:** Thus, none of the prior art cited by the Examiner – including Miller – discloses this claim element.
off-network access to the plan is provided through telephone dial-up access to a gateway using the public telephone switching system;		**Missing Element #2:** None of the prior art cited by the Examiner discloses this claim element.
calls to on-network IP addresses are placed by dialing or keying a sequence consisting of a leading "0," followed by the telephone number registered with the plan for that user IP address; and	**Brady**: (Abstract, Fig. 1, col. 2. line 20-67, col.4, line 56 thru col. 6, line 67) keying in sequence numbers	**Missing Element #3:** None of the prior art cited by the Examiner discloses dialing or keying a sequence consisting of a leading "0," followed by the telephone number registered with the plan for that user IP address.
calls to off-net conventional phones are placed by dialing a "1," followed by the telephone number to be called.		**Missing Element #4:** None of the prior art cited by the Examiner discloses this claim element.

Note: The Examiner's citation and analysis of prior art also include the following citations, but these citations do not refer to claim elements in claim 1:

Claim 2:

Elliott: (col. 49, lines 11-23, col. 154, line 55-67) utilizing Q.931 transmission protocol

Claim 3:

Ranalli: (Abstract, Fig. 1-3, 5, 6, col. 1, line 38-56, col. 2, line 22 thru col. 5, line 67) correlating registered unique identifier associated with a PSTN telephone number (conventional) to an Internet address wherein a directory service containing identifiers (telephone numbers) and associated IP addresses

(col. 2, line 55-67) searching database using keypad

Claim 4:

Elliott: (col. 190, line 34-67, col. 197, line 1 thru col. 198, line 67) . . . gatekeeper determining path

Claim correspondence unclear:

Miller: (Abstract, col. 4, line 38 thru col. 7, line 33) communicating signals between base station and mobile terminal (mobile telephone), col. 7, line 33 thru col. 8, line 67) . . . multiple users

As shown in the table, multiple elements in claim 1 are not present in the prior art cited by the Examiner. In view of the foregoing (and Applicant's July 19, 2004 phone interview with the Examiner), Applicant respectfully asserts that the prior art cited by the Examiner does not make independent claim 1 or its associated dependent claims 2-6 obvious.

B. Rejection of claims 4 and 5 under 35 U.S.C. 112 for insufficient antecedent basis.

Claim 4 reads as follows: The method of claim 1 wherein the gatekeeper determines which is the optimum way to route on-net calls.

Claim 5 reads as follows: The method of claim 1 wherein calls originate on the Internet and terminate off-net, and the gatekeeper routing tables determine the least cost route to terminate the call.

The Office Action states, "Claims 4 and 5 recites the limitation "the optimum" and "the least cost [route] to terminate the call" respectively in line 1 of claim 4 and in line 2 of claim 5. There is insufficient antecedent basis for this limitation in the claim."

> Section 2173.05(e) of the MPEP discusses Lack of Antecedent Basis:
>
> A claim is indefinite when it contains words or phrases whose meaning is unclear. . . . Obviously, however, the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. Ex parte Porter, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992).

Applicants respectfully submits that claims 4 and 5 are clear, even though there is not explicit antecedent basis for "the optimum" and "the least cost route to terminate the call", for the following reasons.

First, there is only one optimum way, so it is not necessary to have an earlier limitation in claim 4 reciting "an optimum way." The scope of claim 4 as currently written is clear and reasonably ascertainable by those skilled in the art.

Second, similarly, it is not necessary to have an earlier limitation in claim 5 reciting "a least cost route." The scope of claim 5 as currently written is clear and reasonably ascertainable by those skilled in the art.

C. Rejection of claim 6.

The Examiner did not provide any basis for rejecting claim 6.

As explained in Remarks Section A above, claim 1 should be allowed because Elliott et al in view of Ranalli et al, Miller et al, and Brady does not make claim 1 obvious. Thus, all of the claims that depend on claim 1 – including dependent claim 6 – cannot be obvious, either. Thus, claim 6 should also be allowed.

CONCLUSION

In light of the foregoing, the rejections and objections in the Office Action mailed April 6, 2004 are believed to be traversed, and Applicant requests that the rejections and objections be withdrawn and that the claims be passed to allowance.

If the Examiner believes a discussion of the above would be useful, she is invited to call the Applicant's attorney, Dr. Robert Beyers, at (650) 843-7528.

Respectfully submitted,

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Robert Beyers

Robert B. Beyers, Ph.D.
Reg. No. 46,552

MORGAN LEWIS
2 Palo Alto Square
3000 El Camino Real, Suite 900
Palo Alto, CA 94306